

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA**

In RE:

BENSON, TERESA MARIE,

Debtor.

Chapter 7

Case No.: 02-60329

Adv No.:

David G. Velde, Trustee,
Plaintiff,

Andy Peterson
and
Teresa Benson,

Defendants.

COMPLAINT IN FRAUDULENT TRANSFER


David G. Velde, plaintiff herein, as trustee in the above-entitled case, by Logan Moore, Esq., plaintiff's attorney, complaining of the defendant, alleges:

1. This is an adversary proceeding brought pursuant to Bankruptcy Rule 7001(1) and section 548(a)(1) of title 11, United States Code and constitutes a "core" proceeding as defined in title 28, United States Code §157(b)(2)(F).
2. Jurisdiction of this court is based on title 28 U.S.C. §1334 in that it arises under title 11 of the United States Code and constitutes a "core" proceeding as defined in title 28 U.S.C. §157(b)(2)(F).
3. Upon information and belief, on or about January 2002, and within ninety days before the filing of the petition, the debtor transferred property to defendant Andy Peterson, as follows: debtor transferred a portion of her property to defendant Andy Peterson, who was not a creditor of the debtor, by making payment to the District Court for Red Lake County in the sum of \$3,100. Said payment was then distributed by the Court to defendant Andy Peterson as criminal restitution.
4. Upon information and belief, the debtor received less than a reasonable equivalent value in exchange for such transfer.
5. Upon information and belief, the debtor was insolvent on the date that such transfer was made, or became insolvent as a result of such transfer.
6. Upon information and belief, the debtor intended to incur, or believed that the debtor would incur, debts that would be beyond the debtor's ability to pay as such debts matured.

7. Pursuant to Bankruptcy Rule 7008 plaintiff states that this proceeding is core.

Wherefore, plaintiff demands judgment directing defendants Andy Peterson and Teresa Benson each jointly and severally to return said property to plaintiff or, granting judgment against defendant Andy Peterson for the value of the property, together with the costs and disbursements of this action.

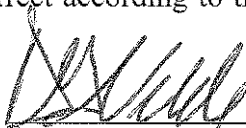
Dated: 1/6/04



Logan Moore, Attorney for Plaintiff
1118 Broadway
Alexandria, MN 56308
(320) 763-6561
Atty. Reg. No. 312083

Verification. I, David G. Velde, the moving party named in the foregoing Complaint, declare under penalty of perjury that the foregoing is true and correct according to the best of my knowledge, information and belief.

Executed on 1/6/04

Signed: 

David G. Velde, Trustee
1118 Broadway
Alexandria, MN 56308
(320) 763-6561